



# FACILITY COMPLIANCE INSPECTION REPORT

## Division of Waste Management Solid Waste Section

### UNIT TYPE:

Lined MSWLF		Notified LCID	<b>X</b>	YW		Transfer		Compost		SLAS		<b>COUNTY: HENDERSON</b> <b>PERMIT NO.: N0638</b> <b>FILE TYPE: COMPLIANCE</b>
Closed MSWLF		HHW		White goods		Incineration		T&P		FIRM		
CDFL		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		

**Date of Site Inspection:** 2/20/12, 1/31/12    **Date of Last Inspection:** 4/25/05

### FACILITY NAME AND ADDRESS:

Burney Mountain Stump Dump – Phase One  
707 Burney Mountain Road  
Fairview (Fletcher)

Directions: Cane Creek Road to Lower Brush Creek Road (left), to Upper Brush Creek Road, to Burney Mountain Road, go one mile to red gates on right.

GPS COORDINATES: N: 35.469463    E: -82.425104

### FACILITY CONTACT NAME AND PHONE NUMBER:

Name: Stuart Reems; SLR Associates Inc.  
Telephone: 828-768-9422

### FACILITY CONTACT ADDRESS:

PO Box 744  
Arden, NC 28704

### PARTICIPANTS:

Andrea Keller – NCDENR Solid Waste Section  
Bill Wagner – NCDENR Solid Waste Section (1/31/12)  
Kristen Hicklin – NCDENR Land quality (2/20/12)  
Susan Wilson – NCDENR Surface Water Protection (2/20/12)  
Natalie Berry – Henderson County Erosion Control (2/20/12)  
Tim Fox – Henderson County Erosion Control (2/20/12)  
Toby Linville – Henderson County Code Enforcement (2/20/12)  
Phil Nesbitt – operator  
Stuart Reems – Owner, SLR Associates, Inc.

### STATUS OF PERMIT:

NLCID signed July 13, 1998

### PURPOSE OF SITE VISIT:

Comprehensive Site Inspection

### STATUS OF PAST NOTED VIOLATIONS:

None

2090 US Highway 70, Swannanoa, North Carolina 28778  
Phone: 828-296-4500 \ FAX: 828-299-7043 \ Internet: <http://portal.ncdenr.org/web/wm/sw>

**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 2 of 4

**OBSERVED VIOLATIONS:**

None

The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

**ADDITIONAL COMMENTS**

1. Previous site inspection (4/25/2005) was conducted by D. Aja and J. Patterson (photos and field notes). At that time it appeared as though the NLCID was nearing the 2-acre size limit. Discussion on expansion (to a larger "Phase 2" fully permitted LCID landfill) was discussed.
2. On site on January 31, 2012 to conduct comprehensive site inspection. It was noted that there were two land-filling activities active on the parcel at the time of the inspection. "Phase One" refers to the NLCID notified site (N0638) and "Phase Two" refers to the unpermitted LCID landfill adjacent to the notified site. It was stated (SReems) that both Phase One and Phase Two activities were nearing completion as the property was to be sold. Closure requirements were discussed for the NLCID site.
3. At the time of the inspection the facility was accepting land clearing and inert debris at the Phase Two location, and inert debris (primarily) at the Phase One location. It was stated (AKeller) that based on current aerial maps it appeared as though the Phase One NLCID landfill was at the 2-acre limit for disposal.
4. A portion of the NLCID landfill is on the property line/road. This portion (SReems) was land-filled during roadway expansion by DOT activities. The current active-fill slope is beneficial fill (SReems) with the Land Clearing debris located to the interior portion of the 2-acres. At this time, it is difficult to determine what portion of the fill activities were DOT managed (road-way expansion), land clearing, LCID mix, and beneficial fill on the exterior slopes. (see map below)



GIS map overlay of Phase Two site figures. Notified LCID N0638 shown above in yellow – approximate location.



**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 3 of 4

5. No land clearing materials were visible on the NLCID/Phase One landfill slopes – although yard waste (leaves) had recently been accepted for disposal at this location. The active disposal area slopes were constructed with rocks/concrete and were sloped to a degree that no vegetation was established and erosion control would be difficult to ensure.



Above photos were taken on 1/31/12 of the Phase One/N0638 landfill site.

6. The facility was gated and signed, an attendant/operator was on duty, and access roads were in good working condition. Minimal unacceptable wastes were observed. The facility operator screens incoming materials and pulls unacceptable wastes out for proper disposal. Some older portions of the NLCID were either access roads or had been vegetated and sloped to shed surface waters.
7. The issues/concerns to note regarding the facility operation and closure:
- Keeping the footprint of the NLCID landfill less than 2-acres in size [15A NCAC 13B .0563(1)(b)];
  - Maintaining the 100-feet from disposal area to property lines and residential dwellings buffer requirement [15A NCAC 13B .0564(9)(b)];
  - The facility shall meet all requirements of any applicable zoning ordinance [15A NCAC 13B .0564(9)(b)] – in this case Henderson County zoning;
  - The exterior slope requires adequate soil cover (monthly) and the disposal area must managed such that 120 calendar days after completion of the disposal, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent on site erosion [15A NCAC 13B .0566(4)(5)and(6)]; and
  - Provision for ground cover sufficient to restrain erosion must be accomplished within 30 workings days or 120 calendar days upon completion of any phase of landfill development [15A NCAC 13B .0566(7)].
8. During the February 20, 2012 site meeting with Land Quality/Erosion Control representatives it was determined that the site required an updated site plan/erosion control permit for both Phase One and Phase Two activities. This plan should satisfy both the County requirements and the items noted above (#7).

**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 4 of 4

Please contact me if you have any questions or concerns regarding this inspection report.



Andrea Keller  
Environmental Senior Specialist  
*Regional Representative*

Phone: 828-296-4700

<b>Mailed on:</b> April 11, 2012		<b>Hand Delivery:</b> April 10, 2012		<b>US Mail:</b> PO Box 744 Arden, NC 28704		<b>Certified No. <u>7006 2150 0005</u></b> <b><u>2458 9341</u></b>
--	--	---	--	--	--	---

ec: Mark Poindexter, Field Operations Branch Head – Solid Waste Section  
Jason Watkins, Western District Supervisor – Solid Waste Section  
Shawn McKee, Compliance Officer – Solid Waste Section  
Steve Wyatt, Henderson Co. – County Manager [swyatt@hendersoncountync.org](mailto:swyatt@hendersoncountync.org)  
Natalie Berry, Henderson Co. – Assistant Co. Engineer [nberry@hendersoncountync.org](mailto:nberry@hendersoncountync.org)